

Record of Votes

Senators Phillips, Corbin, Hazlewood, Jones and Kelly of Tarrant asked to be recorded as voting "nay" on the motion to adjourn.

FORTY-NINTH DAY

(Monday, May 2, 1949)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Carney	Moore
Colson	Morris
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert
Kelly of Tarrant	

Absent—Excused

Kelley of Hidalgo Phillips

A quorum was announced present.

The Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 28, 1949, was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Kelley of Hidalgo was granted leave of absence for today on account of important business on motion of Senator Kelly of Tarrant.

Senator Phillips was granted leave of absence on account of important business on motion of Senator Proffer.

Senate Bill 458 on First Reading

Senator Harris moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to

permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Proffer
Corbin	Shofner
Cousins	Strauss
Hardeman	Taylor
Harris	Tynan
Hazlewood	Vick
Hudson	Weinert
Jones	

Absent

Moore Morris

Absent—Excused

Kelley of Hidalgo Phillips

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Harris:

S. B. No. 458, A bill to be entitled "An Act validating certain orders of Boards of Directors of Water Control and Improvement Districts which have installed and are operating water distribution systems and sewer collection and disposal plants and which have issued ad valorem bonds on such systems payable also out of revenues therefrom and which districts have been enlarged by such orders granting petitions of landowners filed with said districts that lands described in such petitions be added to said districts; and declaring an emergency."

To Committee on Civil Jurisprudence.

Senate Bill 459 on First Reading

Senator Martin moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Proffer
Corbin	Shofner
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	Weinert

Absent

Cousins	Morris
Moore	

Absent—Excused

Kelley of Hidalgo Phillips

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Martin:

S. B. No. 459, A bill to be entitled "An Act transferring the Civil and Criminal Jurisdiction of the County Court of Ellis County, Texas, to the District Court of said County, providing for certain constitutional exceptions, providing for the transfer as to pending cases and the enforcement of judgments heretofore rendered, and declaring an emergency."

To Committee on Judicial Districts.

Senate Bill 460 on First Reading

The following local bill was introduced, read first time and referred to the committee indicated:

By Senator McDonald:

S. B. No. 460, A bill to be entitled "An Act prohibiting the taking, catching, or possession of fish for sale from the waters of the Sabine and Neches rivers in Wood and Smith counties, and prohibiting the buying or selling or the offering for sale or offering to buy any fish caught from the waters of the Sabine and Neches Rivers in Wood and Smith counties for a period of two years; providing a penalty; repealing all laws in conflict; and declaring an emergency."

To Committee on Game and Fish.

Senate Bill 461 on First Reading

Senator Hudson moved that Senate Rule 114 and Section 5 of Article III of the Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Morris
Corbin	Proffer
Cousins	Shofner
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick
Jones	

Absent

Moore	Weinert
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Absent—Excused

Kelley of Hidalgo Phillips

By Senator Hudson:

S. B. No. 461, A bill to be entitled "An Act providing for the changing of the name of Sul Ross State Teachers College at Alpine, Brewster County, Texas, to Sul Ross State College; providing that wherever such name or reference of name appears in State statutes, or amendments thereto, or in any acts of any legislature, or in any court decision, shall mean and apply to the new name; and declaring an emergency."

To Committee on State Affairs.

Senate Concurrent Resolution 48

Senator Kelly of Tarrant offered the following resolution:

S. C. R. No. 48, Inviting Dr. M. E. Sadler to address a Joint Session of the Legislature.

Whereas, Dr. M. E. Sadler, President of Texas Christian University, is widely known and recognized not only for his outstanding work in the field of education, but for his excellent spiritual leadership and his civic leader-

ship and his championship of our Democratic way of life, and

Whereas, Dr. Sadler has long been loved and respected by people throughout the State of Texas, and

Whereas, Dr. Sadler is known to be a most convincing lecturer and leading exponent of the system of Free Enterprise, and

Whereas, In these turbulent days of rapid social change our democratic way of life and our system of free enterprise are being challenged constantly by opposing forces and militant governments, and

Whereas, Leadership in thought and action is needed today most desperately by all men and particularly by those charged with the responsibilities of representing their people in the affairs of State, and

Whereas, Dr. Sadler is an outstanding thought leader whose opinions are respected and sought after, be it

Resolved, That the Senate of the State of Texas, with the House of Representatives concurring, petition Dr. M. E. Sadler to address a Joint Session of the Legislature on or about May 12 on the subject of Free Enterprise, and be it further

Resolved, That this Resolution be printed and a copy be sent to Dr. M. E. Sadler assuring him of his welcome and of an enthusiastic audience upon his appearance.

The resolution was read.

On motion of Senator Kelly of Tarrant, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Resolution 143

Senator Kelly of Tarrant offered the following resolution:

Whereas, On May 7, 1949, members of the Junior Historical Society of Paschal High School of Fort Worth, Texas, will visit the Capitol, and

Whereas, This Society is made up of outstanding students in the social sciences in the Paschal High School, and

Whereas, These students are intensely interested in the functioning of their local and State governments, and

Whereas, The members of the Junior Historical Society are hoping to explore the realm of State Legislation and Administration during their trip here on May 7, and

Whereas, We Members of the Sen-

ate are anxious to encourage interest and participation in our State Government among our constituents, and

Whereas, The Senate probably will not be in session on May 7 when these outstanding young men and women visit us, be it

Resolved, That we take this means of commending them on their interest in State affairs and of extending them a hearty welcome to the Senate Chamber and to the Capitol, and be it further

Resolved, That copies of this Resolution be printed and presented to each individual member of the Junior Historical Society of Paschal High School and to their sponsor, Miss Ruby Mixon.

The resolution was read and was adopted.

Senate Resolution 144

Senator Kelly of Tarrant offered the following resolution:

Whereas, On May 7, the Junior Historians Society of Arlington Heights High School, Fort Worth, Texas, will visit the Capitol; and

Whereas, This Society is composed of alert, intelligent, interested young citizens of the State, many of whom are descendants of the pioneer men and women who helped make Fort Worth and Texas history; and

Whereas, The members of the Society have just compiled a book on the early history of Tarrant County, "Down Historic Trails of Tarrant County," including maps of early trails, pictures of historic spots, and legends of historic interest, collected by going to the grass roots for facts; and

Whereas, The members of the Junior Historians of Arlington Heights High School are anxious to become acquainted with their State Capitol and State Government and are showing evidence of this interest by visiting the Capitol on May 7; and

Whereas, Members of the Senate are eager to have their young constituents become familiar with the tasks of legislation and State administration; and

Whereas, The Senate probably will not be in session and the members of the Senate regret not being able to personally welcome these Society members to the Senate; now, therefore, be it

Resolved, That by means of this Resolution we commend them on the

fine work they have been doing, and extend to them a hearty welcome to the Senate Chamber and to the Capitol; and, be it further

Resolved, That copies of this Resolution be made and presented to all 40 members of the Junior Historians Society, to their sponsor, Miss Kathryn Garrett, to their Advisor, Mrs. Mary Daggett Lake, and to their Citizens Advisor, Mr. David Donoghue, all of Fort Worth.

The resolution was read and was adopted.

Reports of Standing Committees

Senator Corbin submitted the following report:

Austin, Texas
April 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred H. B. No. 168, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

CORBIN, Chairman.

Senator Ashley submitted the following report:

Austin, Texas,
May 2, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred House Bill No. 601, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ASHLEY, Chairman.

Austin, Texas,
May 2, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred House Bill No. 447, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ASHLEY, Chairman.

Senator Kelly of Tarrant submitted the following report:

Austin, Texas,
April 27, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 272 have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

KELLY of Tarrant, Chairman.

Senator Carney submitted the following report:

Austin, Texas,
May 2, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred Senate Bill No. 460, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARNEY, Chairman.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 2, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills and Resolutions:

H. C. R. No. 89, Memorializing Congress as to certain Foreign Policy.

H. B. No. 4, A bill to be entitled "An Act providing for the construction of two State buildings to be known and designed for use as the 'State Courts and Records Building' and the 'State Office Building'; providing for the location and clearance of ground, plans and specifications, rentals of space, and making appropriation therefor, and for equipment, maintenance, and transfer of office records; and declaring an emergency."

H. B. No. 74, A bill to be entitled "An Act to amend Article 681, Title 20, Chapter 5 of the Revised Civil Statutes of 1925, and declaring an emergency."

H. B. No. 155, A bill to be entitled "An Act providing that a husband

and wife may by written agreement partition or exchange between themselves any part or all of their community property so that the former community interests of each spouse shall thereafter constitute the separate property of each spouse; and providing the terms under which such agreements may be made; providing that such instruments must be recorded in order to be effective against innocent purchasers for value; and repealing all Acts or parts of Acts in conflict herewith to the extent of such conflict only, and declaring an emergency."

(With engrossed rider.)

H. B. No. 606, A bill to be entitled "An Act to authorize the sale by the State of Texas to the Public Free Schools of the City of Austin, Texas, for a school site and as a site upon which to erect and maintain school buildings, gymnasias, playgrounds, stadia and other recreational facilities, 25 acres, more or less, out of the northwest corner of the 84.12 acre tract of land owned by the State of Texas, out of the James P. Wallace Survey, in Travis County, Texas; and authorizing the Chairman of the State Board of Control to sell said 25 acres of land, more or less, to the Public Free Schools of the City of Austin, Texas, and declaring an emergency."

H. B. No. 761, A bill to be entitled "An Act to amend Section 1 of Senate Bill No. 61, Acts of the Fifty-first Legislature, making an emergency appropriation for the Texas Prison System; and declaring an emergency."

H. B. No. 776, A bill to be entitled "An Act providing for the forfeiture of charters of domestic corporations whose right to do business was forfeited by Secretary of State; preserving all franchise taxes and penalties and liens therefor accruing prior to forfeiture of charter; and declaring an emergency."

H. B. No. 1, A bill to be entitled "An Act creating the Texas State Board for Eleemosynary Institutions, transferring to said Board the control and management of eleemosynary institutions of this State, providing for certain powers and duties of said Board, including the authority to employ a director, repealing all conflicting laws and parts of laws, and declaring an emergency."

H. B. No. 336, A bill to be entitled "An Act relinquishing and granting unto adjacent landowners the title to beds and channels of all abandoned rivers, streams and other channels that have been or may hereafter be abandoned by reason of the relocation of the bed or channels of such rivers and streams by flood control districts, drainage districts, or levee improvements districts under an approved plan of reclamation; providing certain facts shall be conclusive evidence of abandonment of such rivers, streams and channels; defining certain terms; and declaring an emergency."

H. B. No. 705, A bill to be entitled "An Act creating a State Youth Development Council for the protection, care, and training of children and youth of the State and, among other things, defining its powers, duties, functions and relations with other agencies, officers, and courts, and their corresponding duties and powers; providing for certain criminal offenses related to the Act; containing a severability provision as to validity; repealing certain Statutes; fixing its effective date; and declaring an emergency."

H. B. No. 777, A bill to be entitled "An Act amending Chapter 3, Title 122, of the Revised Civil Statutes of Texas of 1925, by amending Article 7084, as amended by Chapter 68, Section 2, Acts of the 41st Legislature, Fifth Called Session, as amended by Chapter 265, Section 1, Acts of the 42nd Legislature, as amended by Chapter 184, Article VIII, Section 1, Acts of the 47th Legislature, by designating corporations subject to franchise tax; by redefining written evidences of indebtedness that are taxable; etc., and declaring an emergency."

The House has concurred in Senate amendments to House Bill No. 842 by vote of 116 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 610 by vote of 117 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 593 by vote of 116 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 817 by vote of 114 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 301 by vote of 121 yeas, 0 nays.

The House has concurred in Senate amendments to House Bill No. 360 by vote of 125 yeas, 0 nays.

S. C. R. No. 46, A memorial to the life of the late Dr. Willard H. Dow.

S. C. R. No. 47, Congratulating the City of Fort Worth for outstanding achievements.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bill 194 Set as Special Order

Senator Bracewell moved that Senate Bill No. 194 be set as a special order for Tuesday, May 3, 1949, immediately following the morning call.

The motion prevailed by the following vote:

Yeas—22

Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Harris	Shofner
Hazlewood	Tynan
Jones	Vick

Nays—4

Aikin	Kelly of Tarrant
Hardeman	Taylor

Absent

Hudson	Weinert
Strauss	

Absent—Excused

Kelley of Hidalgo	Phillips
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House Concurrent Resolution 89

The President pro tempore laid before the Senate for consideration at this time:

H. C. R. No. 89, Memorializing Congress with respect to the United States foreign policy in regard to Soviet Russia.

The resolution was read.

On motion of Senator Taylor and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Bill 92 on Passage to Engrossment

The President pro tempore laid before the Senate, as the unfinished special order, on its passage to engrossment:

S. B. No. 92, A bill to be entitled "An Act prescribing the minimum and maximum salaries of the sheriffs and their deputies in all counties in the State of Texas, etc., and declaring an emergency."

The bill having been read second time and amended on Tuesday, April 26, 1949.

Question—Shall the bill be passed to engrossment?

Senator Hazlewood offered the following amendment to the bill:

Amend S. B. No. 92, by Morris, by adding the following language at the end of subdivision (b), the paragraph under Section 1, line 27, to-wit:

"Where the offices of sheriff and that of tax assessor and collector are combined into one office, the minimum annual salary to be paid such sheriff-tax assessor and tax collector shall be \$4500.00, and the maximum shall be \$6,000.00."

The amendment was adopted.

Senator Tynan offered the following amendment to the bill:

Amend Senate Bill No. 92 by deleting therefrom Subsection (k) of Section 1, and also deleting therefrom Subsection (i) of Section 2.

The amendment was adopted.

Senator Lane offered the following amendment to the bill:

Amend Senate Bill No. 92 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. The Commissioners' Court in each county of this State is hereby authorized, when in their judgment the financial condition of the county and the needs of the officer justify the increase, to enter an order increasing the compensation of the precinct, county and district officers, or either of them, in an additional amount not to exceed twenty-five per cent (25%) of the sum allowed under

the law for the fiscal year of 1948, whether paid on fee or salary basis.

"Section 2. The Commissioners' Court in each county of this State is hereby authorized, when in their judgment the financial condition of the county and the needs of the deputies, assistants and clerks of any district, county or precinct officer justify the increase, to enter an order increasing the compensation of any such deputy, assistant or clerk in an additional amount not to exceed thirty-five per cent (35%) of the sum allowed under the law for the fiscal year of 1948.

Section 3. All of such officers who were paid on a fee basis during the fiscal year of 1948, and who are now to be paid on a salary basis shall be paid an annual salary in twelve (12) equal installments of not less than the total sum earned as compensation by him in his official capacity for the fiscal year of 1948, and not more than the maximum sum allowed such officer under the laws existing on August 24, 1948, together with the twenty-five (25%) per cent increase allowed by this Act within the discretion of the Commissioners' Court.

"Section 4. If any section, subsection, paragraph, or portion is held invalid, such holding shall not affect the validity of the remaining portions of the Act, and the Legislature hereby declares that it would have enacted such remaining portions despite such invalidity.

"Section 5. The fact that the cost of living is rising and the purchasing power of the dollar is decreasing, and that wages and salaries in private industry have increased to an extent that public officers and employees continue in their offices at a sacrifice in many instances; and the further fact that an amendment to the Texas Constitution adopted in 1948 provided that all sheriffs and their deputies shall be paid an annual salary, and the fact of the crowded condition of the calendar, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Senator Morris offered the following amendment to the amendment:

Amend Lane amendment, by strik-

ing out Section 2 and inserting in lieu thereof the following:

"Section 2. The Commissioners' Court in each county shall enter an order increasing the compensation of all deputy sheriffs in an additional amount of not less than 15% and not more than 35% of the sum allowed under the law for the fiscal year of 1948."

Senator Lane moved to table the amendment to the amendment.

Yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—13

Ashley	Kelly of Tarrant
Bracewell	Lane
Carney	Lock
Colson	Martin
Corbin	Strauss
Hardeman	Tynan
Harris	

Nays—13

Aikin	McDonald
Bell	Moffett
Bullock	Moore
Cousins	Morris
Hazlewood	Proffer
Hudson	Vick
Jones	

Absent

Shofner	Weinert
Taylor	

Absent—Excused

Kelley of Hidalgo	Phillips
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Question—Shall the amendment to the amendment be adopted?

Senate Bill 266 on Second Reading

On motion of Senator Cousins and by unanimous consent, the pending business and the regular order of business were suspended to take up for consideration at this time:

S. B. No. 266, A bill to be entitled "An Act amending Article 945 of the Penal Code of the State of Texas so as to allow the use of purse seines of any size mesh within certain waters, providing a penalty; and declaring an emergency."

The bill was read second time.

Senator Cousins offered the following committee amendments to the bill:

(1)

Amend Senate Bill No. 266, Section 1, by adding the following after the semicolon, following the word "mesh" in line six (6):

"Provided, however, that purse seines of not less than one and one-half inch (1½") stretched mesh may be used for taking menhaden in the salt waters of this State. Be it further provided that such purse seines may not be used in any of the bays of the Texas coast or within one mile of any jetty or Gulf beach."

(2)

Amend Senate Bill No. 266, Section 1, by adding the following to be shown as subsection A:

"The taking of more than one-tenth of one per cent (1/10 of 1%) of game or food fish by weight of the total catch of menhaden fish shall constitute a violation of this Act."

The committee amendments were severally adopted.

Senator Cousins offered the following amendment to the bill:

Amend S. B. No. 266 by adding a new section, as follows:

"Section 4. Providing further, that no fish processing plant, used to extract oil and fish meal from fish caught in a purse seine, shall be constructed or operated on any island in the waters of this State, if such island contains a city of population of 25,000 or more thereon."

The amendment was adopted.

Senator Bracewell offered the following amendment to the bill:

Amend S. B. No. 266 by striking out the words "1 mile" wherever those words appear and substituting the words "5 miles."

The amendment was adopted.

Question—Shall the bill be passed to engrossment?

Recess

On motion of Senator Lane, the Senate at 12:10 o'clock p.m., took recess to 2:30 o'clock p.m. today.

Afternoon Session

The Senate met at 2:30 o'clock p.m.

and was called to order by the President pro tempore.

Senate Bill 266 on Passage to Engrossment

The Senate resumed consideration of S. B. No. 266, relating to the use of purse seines of any size mesh within certain waters, on its passage to engrossment.

Question—Shall the bill be passed to engrossment?

On motion of Senator Cousins and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to engrossment.

Senate Bill 266 on Third Reading

Senator Cousins moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 266 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—20

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Carney	Martin
Corbin	Moffett
Cousins	Morris
Hardeman	Proffer
Hazlewood	Shofner
Hudson	Tynan
Jones	Vick

Nays—1

Bracewell

Absent

Bullock	Moore
Colson	Strauss
Harris	Taylor
McDonald	Weinert

Absent—Excused

Kelley of Hidalgo Phillips

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—18

Aikin	Bell
Ashley	Bullock

Carney	Lane
Cousins	Lock
Hardeman	Moffett
Hazlewood	Morris
Hudson	Proffer
Jones	Shofner
Kelly of Tarrant	Taylor

Nays—5

Bracewell	Strauss
Corbin	Vick
Martin	

Absent

Colson	Moore
Harris	Tynan
McDonald	Weinert

Absent—Excused

Kelley of Hidalgo Phillips

Committee Substitute Senate Bill 391
On Second Reading

On motion of Senator Hudson and by unanimous consent, the pending business, Senate Bill No. 92, and the regular order of business were suspended to take up for consideration at this time:

C. S. S. B. No. 391, A bill to be entitled "An Act amending Articles 5369, 5370 and 5371 of the Revised Civil Statutes of the State of Texas, 1925, so as to place upon owners of oil and gas leases granted under authority of Articles 5367 and 5368, Revised Civil Statutes of Texas, 1925, an obligation to adequately protect the leased premises against drainage from lands not included in Articles 5367 and 5368; providing that the Commissioner of the General Land Office of the State of Texas may forfeit any such lease upon failure to adequately protect it against drainage, and providing for notice of such forfeiture; authorizing the reinstatement of a forfeited lease by the Commissioner at his discretion and upon such terms as he may prescribe; authorizing suit for forfeiture at the discretion of the Commissioner; providing for notice to the owner of the soil of a forfeiture which has not been reinstated; authorizing suits for damages against lessees who fail to adequately protect against drainage; authorizing the owner of the soil to take possession of the land formerly covered by the forfeited lease and as agent of the State of Texas to forthwith lease the oil and gas therein as authorized by and subject to the

terms and provisions of Articles 5367 and 5368, Revised Civil Statutes of Texas, 1925; preserving the validity of any provision of this Act not specifically held to be unconstitutional; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Committee Substitute Senate Bill 391
On Third Reading

Senator Hudson moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 391 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kelly of Tarrant
Ashley	Lane
Bracewell	Lock
Bullock	Martin
Carney	McDonald
Colson	Moffett
Corbin	Morris
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick

Absent

Bell	Weinert
Moore	

Absent—Excused

Kelley of Hidalgo Phillips

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Jones
Ashley	Kelly of Tarrant
Bell	Lane
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Morris
Corbin	Proffer
Hardeman	Strauss
Harris	Taylor
Hazlewood	Tynan
Hudson	Vick

Absent

Cousins	Shofner
Lock	Weinert
Moore	

Absent—Excused

Kelley of Hidalgo	Phillips
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Senate Bill 92 on Passage to Engrossment

The Senate resumed consideration of pending business, same being S. B. No. 92 on passage to engrossment with an amendment by Senator Lane and an amendment to the amendment by Senator Morris pending.

Question—Shall the amendment to the amendment be adopted?

Senator Morris withdrew the amendment.

Senator Morris offered the following amendment to the amendment:

Amend Lane substitute for S. B. No. 92 by adding at the end of Section 2 the following:

“provided the salaries of deputy sheriffs shall be increased not less than fifteen per cent (15%).”

The amendment to the amendment was lost by the following vote:

Yeas—13

Aikin	McDonald
Bell	Moore
Bullock	Morris
Cousins	Proffer
Hazlewood	Shofner
Hudson	Vick
Jones	

Nays—15

Ashley	Lane
Bracewell	Lock
Carney	Martin
Colson	Strauss
Corbin	Taylor
Hardeman	Tynan
Harris	Weinert
Kelly of Tarrant	

Absent

Moffett

Absent—Excused

Kelley of Hidalgo	Phillips
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Question—Shall the amendment by Senator Lane be adopted?

Senator Morris moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—10

Aikin	Moore
Bell	Morris
Bullock	Shofner
Hazlewood	Tynan
Hudson	Vick

Nays—18

Ashley	Lane
Bracewell	Lock
Carney	Martin
Colson	McDonald
Corbin	Moffett
Hardeman	Proffer
Harris	Strauss
Jones	Taylor
Kelly of Tarrant	Weinert

Absent

Cousins

Absent—Excused

Kelley of Hidalgo	Phillips
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Question recurring on the amendment by Senator Lane, it was adopted.

Record of Vote

Senator Vick asked to be recorded as voting “nay” on the adoption of the amendment.

Senator Lane offered the following amendment to the bill:

Amend Senate Bill No. 92 by striking out the caption and inserting in lieu thereof the following:

“An Act allowing additional compensation for certain district, county and precinct officers and for their deputies, clerks and assistants, and prescribing the minimum and maximum salaries of certain officers; providing that the Act shall be severable; repealing all laws in conflict; and declaring an emergency.”

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 92 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be sus-

pendent and that S. B. No. 92 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Strauss
Harris	Taylor
Hazlewood	Vick
Hudson	Weinert
Jones	

Nays—1

Tynan

Absent

Shofner

Absent—Excused

Kelley of Hidalgo Phillips

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Vick

Nays—1

Tynan

Absent

Cousins Weinert

Absent—Excused

Kelley of Hidalgo Phillips

Co-Author of Bill

On motion of Senator Morris it was ordered that Senator Lane be shown as co-author of S. B. No. 92.

**Committee Substitute House Bill 417
On Second Reading**

The President pro tempore laid before the Senate on its second reading and passage to third reading (the bill containing the same substance as S. B. No. 183, set as a special order for this hour):

C. S. H. B. No. 417, A bill to be entitled "An Act to amend the subject matter embraced in Section 3, Section 4, Section 5, Section 6, Section 7, Section 8, Section 13, Section 19, and Section 26 of the Texas Unemployment Compensation Act, as amended; providing for the payment of benefits; providing benefit eligibility conditions; providing disqualification for benefits; providing for claims for benefits; providing for contributions; providing for the duration of coverage; providing for an Unemployment Compensation Administration Fund; providing for definitions of terms; providing for an Unemployment Compensation Special Administration Fund; providing for an effective date of this Act and its Sections; providing for the repeal of all laws and parts of laws in conflict herewith; providing for the separability of provisions; and declaring an emergency."

The bill was read second time.

On motion of Senator Bell and by unanimous consent, the caption was amended to conform with the body of the bill as amended.

The bill was passed to third reading.

**Committee Substitute House Bill 417
On Third Reading**

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 417 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Bracewell
Ashley	Bullock
Bell	Carney

Colson	McDonald
Corbin	Moffett
Hardeman	Moore
Harris	Morris
Hazlewood	Proffer
Hudson	Shofner
Jones	Strauss
Kelly of Tarrant	Taylor
Lane	Tynan
Lock	Vick
Martin	

Absent

Cousins Weinert

Absent—Excused

Kelley of Hidalgo Phillips

The President pro tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Colson	Moore
Corbin	Morris
Cousins	Proffer
Hardeman	Shofner
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick

Absent

Weinert

Absent—Excused

Kelley of Hidalgo Phillips

Committee Substitute Senate Bill 40 On Second Reading

The President pro tempore laid before the Senate as a special order for this hour, on its second reading and passage to engrossment:

C. S. S. B. No. 40, A bill to be entitled "An Act amending Article 4766, as amended, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Senate Resolution 145

Senator Hardeman offered the following resolution:

Whereas, Hon. Jim Neal, of Mirando, Texas, a former distinguished member of this body, is in the Capitol today, and

Whereas, The Senate would be honored to have Senator Neal visit on the floor and to address the Senate, now, therefore, be it

Resolved, By the Senate that it extend to Senator Neal the privileges of the floor and that he be invited to address the Senate.

HARDEMAN
AIKIN

The resolution was read and was adopted.

Accordingly, the President pro tempore appointed Senators Aikin, Hardeman and Moffett as a committee to escort Senator Neal to the President's stand.

The President pro tempore then presented Senator Aikin who introduced Senator Neal to the Senate.

Senator Neal then addressed the Senate.

Senate Resolution 146

Senator Colson offered the following resolution:

Whereas, There are in the Senate today the members of the graduating class of Anderson High School of Anderson, Grimes County, Texas; and

Whereas, There are accompanying these Seniors, their sponsor, Mr. Sidney L. Williams, Superintendent of the Anderson Schools, and Mr. Albert Molitor of Anderson, Texas; and

Whereas, The presence of the young people is an evidence of their interest in better citizenship and state affairs; and

Whereas, The members of the Senate are always glad to have the young members of their communities visit the Senate and observe the procedure here; and, therefore, be it

Resolved, That the Senate extend a hearty welcome to these Anderson High School Seniors and their sponsors and that each be forwarded a copy of this resolution under the seal of the Senate.

The resolution was read and was adopted.

House Bill on First Reading

The following bill, received from the House, was laid before the Senate, read first time and referred to the committee indicated:

H. B. No. 705, To Committee on State Affairs.

Bills and Resolutions Signed

The President pro tempore signed, in the presence of the Senate, after giving due notice thereof, the following bills and resolutions:

H. B. No. 508, A bill to be entitled "An Act amending Art. 432 of the Penal Code so as to provide that same shall not apply to persons holding offices or positions for two (2) years prior to the time an officer or board member related to them takes office; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 467, A bill to be entitled "An Act detaching from Sabine-Neches Conservation District all of the territory contained within the watershed of the Sabine River and its tributaries and establishing the Sabine River Authority to contain said territory so detached for the purpose of controlling floods, conserving the soils, providing a water supply for municipal, indus-

trial, domestic, and hydro-electric purposes and all other useful purposes, to make provision for navigation and to construct or otherwise acquire navigation facilities; etc.; and declaring an emergency."

H. C. R. No. 76, Memorializing Congress as to legislation relative to farm to market roads.

H. C. R. No. 81, In memory of Henry James of Abilene.

H. C. R. No. 84, Extending welcome to Royal Canadian Air Force Detachment to pay homage at Camp Mabry on Thursday, April 28th, to Texas boys who served in the Royal Canadian Air Force and to the forty-five (45) Texans who died while serving in the Royal Canadian Air Force.

H. C. R. No. 87, Suspending the Joint Rules to permit the House and Senate to take up and consider their local and uncontested bills calendar on Wednesday and Thursday, April 27th and 28th, 1949.

H. C. R. No. 86, Directing the enrolling clerk to make certain corrections in H. B. No. 120.

Recess

On motion of Senator Martin, the Senate at 3:55 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

In Memory of
A. L. Bailey

(Senate Resolution 142)

Senator Kelly of Tarrant offered the following resolution:

Whereas, On April 27, 1949, Texas lost one of its most outstanding leaders in the American Federation of Labor by the death, in the fifty-fourth year of his life, of A. L. Bailey, for sixteen years the President of the Fort Worth Trades Assembly, for one year President of this Assembly, for three years Chairman of the Central Trades Council, and past Vice-president of the Texas State Federation of Labor, and recently appointed to the Fort Worth City Civil Service Board; and

Whereas, A. L. Bailey was known to be a friend not only of those in the labor movement, but of all working people and of men on management's side as well, and held the respect of men in all walks of life; and

Whereas, He was a man of courage and conviction, tireless in working for his fellow man, and always ready to do a public service to the community; now, therefore, be it

Resolved, That the Senate of the State of Texas extend to those who survive him, his widow, Mrs. A. L. Bailey of Fort Worth, his aunt, Mrs. E. Abbie Perry of Fort Worth, his uncle, Mr. R. P. Wilson of Fort Worth, his cousins, Mr. Paul Wilson of Fort Worth, Mrs. Amanda Austin of Fort Worth, Mrs. Elsie Moore of Port Arthur, and Mr. Roland Wilson of Gainesville, our sincere sympathy; and be it further

Resolved, That a page be set aside in the Journal as a memorial to him and that this Resolution be printed thereon; and that an official copy of said Resolution be sent to those who survive him, and be it further

Resolved, That when the Senate adjourns today it do so in his honor.

Signed—Allan Shivers, Lieutenant Governor, Aikin, Ashley, Bell, Bracewell, Bullock, Carney, Colson, Corbin, Cousins, Hardeman, Harris, Hazlewood, Hudson, Jones, Kelley of Hidalgo, Kelly of Tarrant, Lane, Lock, Martin, McDonald, Moffett, Moore, Morris, Phillips, Proffer, Shofner, Strauss, Taylor, Tynan, Vick, Weinert.

The resolution was read.

On motion of Senator Hazlewood, the names of the Lieutenant Governor and all Members of the Senate were added to the resolution as signers thereof.

The resolution was adopted.